



# CITY COUNCIL Agenda

Council Chamber  
1200 Carlsbad Village Drive  
Carlsbad, CA 92008

July 20, 2021, 6 p.m.  
Special Meeting

## Welcome to Your City Council Meeting

We welcome your interest and involvement in the city's legislative process. This agenda includes information about topics coming before the City Council and the action recommended by city staff. You can read about each topic in the staff reports, which are available on the city website and in the Office of the City Clerk. The City Clerk is also available to answer any questions you have about City Council meeting procedures.

## How to Watch

The City of Carlsbad provides three ways to watch a City Council meeting:

### In Person



Most City Council meetings take place at City Hall, 1200 Carlsbad Village Drive

### On TV



Watch live and replays of meetings on Charter Spectrum channel 24 and AT&T U-verse channel 99

### Online



Watch the livestream and replay past meetings on the city website, [www.carlsbadca.gov](http://www.carlsbadca.gov)

## How to Participate

If you would like to provide comments to the City Council, please:

- Fill out a speaker request form, located in the foyer.
- Submit the form to the City Clerk before the item begins.
- When it's your turn, the City Clerk will call your name and invite you to the podium.
- Speakers have three minutes, unless the presiding officer (usually the mayor) changes that time.
- You may not give your time to another person, but groups can select a single speaker as long as three other members of your group are present. Group representatives have 10 minutes unless that time is changed by the presiding officer or the City Council.

## Reasonable accommodations

Persons with a disability may request an agenda packet in appropriate alternative formats as required by the Americans with Disabilities Act of 1990. Reasonable accommodations and auxiliary aids will be provided to effectively allow participation in the meeting. Please contact the City Manager's Office at 760-434-2821 (voice), 711 (free relay service for TTY users), 760-720-9461 (fax) or [manager@carlsbadca.gov](mailto:manager@carlsbadca.gov) by noon on the Monday before the meeting to decide.

**More information about City Council meeting procedures can be found at the end of this agenda and in the Carlsbad Municipal Code chapter 1.20.**

*The City Council also sits as the Carlsbad Municipal Water District Board, Public Financing Authority Board, Community Development Commission and Successor Agency to the Redevelopment Agency. When considering items presented to the Carlsbad Municipal Water District Board, each member receives an additional \$100 per meeting (max \$300/month). When considering items presented to the Community Development Commission each member receives an additional \$75 per meeting (max \$150/month).*

**CALL TO ORDER:** 6 p.m.

**ROLL CALL:** Hall, Blackburn, Acosta, Bhat-Patel.

**ANNOUNCEMENT OF CONCURRENT MEETINGS:** City Council is serving as the Carlsbad Municipal Water District Board of Directors on Consent Item No. 2.

**INVOCATION:** None.

**PLEDGE OF ALLEGIANCE:** Mayor Pro Tem Blackburn led the Pledge of Allegiance.

**APPROVAL OF MINUTES:** None.

**PRESENTATIONS:**

Proclamation in Recognition of Lori Allen

**PUBLIC REPORT OF ANY ACTION TAKEN IN CLOSED SESSION:** None.

**PUBLIC COMMENT:** *The Brown Act allows any member of the public to comment on items not on the agenda. Please treat others with courtesy, civility, and respect. In conformance with the Brown Act and California Executive Order No. N-29-20, a total of 15 minutes is provided so members of the public may participate in the meeting by submitting comments as provided on the front page of this agenda. The City Council will receive comments as requested up to a total of 15 minutes in the beginning of the meeting. All other comments will be heard at the end of the meeting. In conformance with the Brown Act, no action can occur on these items.*

**CONSENT CALENDAR:** *The items listed under Consent Calendar are considered routine and will be enacted by one motion as listed below. There will be no separate discussion on these items prior to the time the Council votes on the motion unless members of the Council, the City Manager, or the public request specific items be discussed and/or removed from the Consent Calendar for separate action.*

**WAIVER OF ORDINANCE TEXT READING:**

This is a motion to waive the reading of the text of all ordinances and resolutions at this meeting.

1. **AGREEMENT WITH WESTON SOLUTIONS, INC. TO CONDUCT A BACTERIA SPECIAL STUDY IN THE AGUA HEDIONDA LAGOON** – Adoption of a resolution authorizing an agreement with Weston Solutions, Inc. to provide professional services to conduct a bacteria special study in the Agua Hedionda Lagoon in an amount not to exceed \$148,907. (Staff contact: James Wood, Public Works)

**ACTION: Adopted Resolution No. 2021-172 – 4/0.**

2. **QUITCLAIM OF A WATER LINE FOR RAF PACIFICA GROUP FUSION LOCATED AT 1950 CAMINO VIDA ROBLE** – Adoption of a Carlsbad Municipal Water District Board of Directors resolution approving a quitclaim of a water line easement over Lots 33 and 34 of Map No. 11288 located at 1950 Camino Vida Roble, SDP 2019-0012, VAC 2020-0001. (Staff contact: Kyrenne Chua, Community Development)

**ACTION: Adopted CMWD Resolution No. 1661 – 4/0.**

3. AGREEMENT WITH CALLAWAY GOLF COMPANY FOR APN: 212-270-08-00, COMMONLY KNOWN AS THE CALLAWAY GOLF TESTING FACILITY PROPERTY – Adoption of a resolution authorizing the City Manager to execute a ten-year ground lease agreement with Callaway Golf Company for APN: 212-270-08-00, commonly referred to as the Callaway Golf Testing Facility Property. (Staff contact: Curtis Jackson, Community Services)

**ACTION: Adopted Resolution No. 2021-173 – 4/0.**

#### **ORDINANCES FOR INTRODUCTION:**

4. ORDINANCE TO AMEND CARLSBAD MUNICIPAL CODE SECTION 10.40.046 TO RESTRICT OVERNIGHT PARKING ON AVENIDA ENCINAS – 1) Introduction of an ordinance amending Section 10.40.046 of the Carlsbad Municipal Code to establish no parking zones along both sides of portions of Avenida Encinas, Macadamia Drive and Raintree Drive between the hours of 11 p.m. and 5 a.m.; and  
2) Adoption of a resolution authorizing an appropriation of \$17,100 from City Council Contingency to the Police Department’s Operating Budget for the cost of producing and installing no parking signs on Avenida Encinas to reflect the amendments to Title 10, Chapter 10.40, Section 10.40.046 of the Carlsbad Municipal Code. (Staff contact: Steve Thomas, Police Department and Allegra Frost, City Attorney’s Office)

**City Manager’s Recommendation:** Introduce the ordinance and adopt the resolution.

**ACTION: Introduced Ordinance No. CS-398;**

**Adopted Resolution No. 2021-174 to include a status report in 6 months – 4/0.**

**ORDINANCES FOR ADOPTION:** None.

**PUBLIC HEARINGS:** None.

#### **DEPARTMENTAL AND CITY MANAGER REPORTS:**

5. VILLAGE & BARRIO MASTER PLAN AMENDMENT DISCUSSION – Receive a presentation on options to address potential policy changes raised by the public during the adoption of the 2019 comprehensive update to the Village & Barrio Master Plan and provide direction as appropriate. (Staff contact: Shelley Glennon, Community Development)

**City Manager’s Recommendation:** Receive the presentation and provide direction as appropriate.

**ACTION: Council received the presentation;**

**Minute Motion by Mayor Pro Tem Blackburn, seconded by Council Member Bhat-Patel, to bring back the item when there is a District 1 City Council representative on the City Council – 3/0/1 (Hall – Absent).**

6. CONSIDERATION OF INFORMATION RELATED TO ACQUISITION OF THE PROPERTY LOCATED AT 3140 HIGHLAND DRIVE, MORE COMMONLY KNOWN AS THE CULVER-MYERS-CAPP HOUSE – Receive a report in response to the City Council’s June 15, 2021, direction for staff to present a report for City Council discussion regarding acquisition of the Culver-Myers-Capp house as a historical site and provide direction to staff as appropriate. (Staff contact: Jeff Murphy, Community

Development)

**City Manager's Recommendation:** Receive the report and provide direction as appropriate.

**ACTION: Council received the report;**

**Minute Motion by Mayor Hall, seconded by Council Member Bhat-Patel, directing staff to work with the Historical Preservation Committee and return with options on how to work with the community on the acquisition or preservation of the Culver-Myers-Capp House – 4/0;**

**Minute Motion by Mayor Hall, seconded by Council Member Bhat-Patel, directing staff to bring back information to the City Council regarding the adoption of the Mills Act – 4/0.**

7. DECLARE THE EXISTENCE OF A CITY COUNCIL DISTRICT NO. 1 VACANCY AND CONSIDER OPTIONS TO FILL THE VACANCY – 1) Adoption of a resolution declaring the existence of a City Council District No. 1 Vacancy; and
- 2) Adoption of a resolution calling for a special election on Tuesday, April 12, 2022, for the election of a City Council Member – District No. 1 for a term ending November 2022 as required by the provisions of the laws of the State of California relating to charter cities; and
- 3) Adoption of a resolution requesting consolidation services from the San Diego County Registrar of Voters for the April 12, 2022, Special Election; and
- 4) Adoption of a resolution adopting regulations for candidates for elective office pertaining to candidates' statements submitted to the voters at the Special Election to be held in the City of Carlsbad on Tuesday, April 12, 2022. (Staff contact: Faviola Medina, City Clerk Department)

**City Manager's Recommendation:** Receive the report, adopt the resolutions and provide direction as appropriate.

**ACTION: Adopted Resolution No. 2021-175 – 4/0;**

**Minute Motion by Council Member Bhat-Patel, seconded by Council Member Acosta giving direction to staff regarding the appointment process (see minutes for details) – 4/0.**

8. CITY COUNCIL REGIONAL COMMITTEE AND SUBCOMMITTEE APPOINTMENTS – 1) Adoption of a resolution suspending the Homeless Action Subcommittee and the Carlsbad Municipal Code and City Council Policy Update Subcommittee; and
- 2) Adoption of a resolution appointing members of the City Council to the San Diego Association of Governments Board of Directors; and
- 3) Adoption of a resolution appointing members of the City Council to the San Diego Association of Governments Shoreline Preservation Working Group; and
- 4) Adoption of a resolution appointing members of the City Council to the North County Transit District Board of Directors; and
- 5) Adoption of a resolution confirming the Mayoral appointment of a member of the City Council to the San Diego County Water Authority Board of Directors; and
- 6) Adoption of a resolution appointing members of the City Council to the Clean Energy Alliance Joint Powers Authority Board of Directors; and
- 7) Adoption of a resolution confirming the Mayoral appointments of members of the City Council to the various regional committee assignments; and

8) Adoption of a resolution confirming the Mayoral appointments of members of the City Council to the various subcommittee assignments. (Staff contact: Faviola Medina, City Clerk Department)

**City Manager's Recommendation:** Receive the presentation and adopt the resolutions.

**ACTION: Adopted Resolution No. 2021-176; and  
Adopted Resolution No. 2021-177 – 4/0.**

9. DISCUSS NEXT STEPS FOR CITY COUNCIL STRATEGIC PLAN, INCLUDING OPTIONS FOR RESIDENT SURVEY – Receive an update relating to the City Council strategic planning process and options for conducting a resident survey and provide direction to staff as appropriate. (Staff contact: Sheila Cobian, City Manager Department and Kristina Ray, Communication & Engagement Department)

**City Manager's Recommendation:** Receive the update and provide direction as appropriate.

**ACTION: Council directed staff to continue the strategic plan to Fall 2021 and conduct a scientific-based resident survey in mid-January 2022.**

**COUNCIL COMMENTARY AND REQUESTS FOR CONSIDERATION OF MATTERS:**

**City Council Regional Assignments (Revised 1/12/21)**

**Matt Hall  
Mayor**

North County Mayors and Managers  
Chamber of Commerce Liaison (primary)  
San Diego County Water Authority  
SANDAG Board of Directors (primary)  
City Council Legislative Subcommittee  
Economic Development Subcommittee  
Homeless Action Committee

**Keith Blackburn  
Mayor Pro Tem – District 2**

Buena Vista Lagoon JPC  
Encina Joint Powers JAC  
Encina Wastewater Authority Board of Directors  
SANDAG Board of Directors (2<sup>nd</sup> alternate)  
SANDAG Shoreline Preservation Working Group (alternate)  
Carlsbad Municipal Code and City Council Policy Update Subcommittee

**Priya Bhat-Patel  
Council Member – District 3**

SANDAG Board of Directors (1<sup>st</sup> alternate)  
SANDAG Shoreline Preservation Working Group (primary)  
North County Transit District (primary)  
City/School Committee  
Clean Energy Alliance JPA (primary)  
League of California Cities – SD Division (alternate)  
Economic Development Subcommittee

**Council Member – District 1**

Buena Vista Lagoon JPC  
Encina Joint Powers JAC  
Encina Wastewater Authority Board of Directors  
League of California Cities – SD Division  
North County Dispatch Joint Powers Authority (alternate)

Carlsbad Municipal Code and City Council Policy Update  
Subcommittee  
Homeless Action Subcommittee

**Teresa Acosta**

**Council Member – District 4**

City/School Committee  
Chamber of Commerce Liaison (alternate)  
Encina Wastewater Authority Board of Directors (alternate)  
North County Dispatch Joint Powers Authority  
City Council Legislative Subcommittee  
Clean Energy Alliance JPA (alternate)  
North County Transit District (alternate)

**PUBLIC COMMENT:** Continuation of the Public Comments

*This portion of the agenda is set aside for continuation of public comments, if necessary, due to exceeding the total time allotted in the first public comments section. In conformance with the Brown Act, no Council action can occur on these items.*

**ANNOUNCEMENTS:**

This section of the Agenda is designated for announcements to advise the community regarding events that Members of the City Council have been invited to, and may participate in.

**CITY MANAGER COMMENTS:**

**CITY ATTORNEY COMMENTS:**

**ADJOURNMENT:** 9:21 p.m.

**City Council Meeting Procedures (continued from page 1)**

**Written Materials**

Written materials related to the agenda that are submitted to the City Council after the agenda packet has been published will be available for review prior to the meeting during normal business hours at the City Clerk's office, 1200 Carlsbad Village Drive and on the city website. To review these materials during the meeting, please see the City Clerk

**Visual Materials**

Visual materials, such as pictures, charts, maps or slides, are allowed for comments on agenda items, not general public comment. Please contact the City Manager's Office at 760-434-2820 or [manager@carlsbadca.gov](mailto:manager@carlsbadca.gov) to make arrangements in advance. All materials must be received by the City Manager's Office no later than noon the day before the meeting. The time spent presenting visual materials is included in the maximum time limit provided to speakers. All materials exhibited to the City Council during the meeting are part of the public record. **Please note that video presentations are not allowed.**

**Decorum**

All participants are expected to conduct themselves with mutual respect. Loud, boisterous and unruly behavior can interfere with the ability of the City Council to conduct the people's business. That's why it is illegal to disrupt a City Council meeting. Following a warning from the presiding officer, those engaging in disruptive behavior are subject to law enforcement action.

**City Council Agenda**

The City Council follows a regular order of business that is specified in the Carlsbad Municipal Code. The City Council may only make decisions about topics listed on the agenda.

**Presentations**

The City Council often recognizes individuals and groups for achievements and contributions to the community. Well-wishers often fill the chamber during presentations to show their support and perhaps get a photo. If you don't see an open seat when you arrive, there will likely be one once the presentations are over.

### **Consent Items**

Consent items are considered routine and may be enacted together by one motion and vote. Any City Council member may remove or "pull" an item from the "consent calendar" for a separate vote. Members of the public may pull an item from the consent calendar by requesting to speak about that item. A speaker request form must be submitted to the clerk prior to the start of the consent portion of the agenda.

### **Public Comment**

Members of the public may speak on any city related item that does not appear on the agenda. State law prohibits the City Council from taking action on items not listed on the agenda. Comments requiring follow up will be referred to staff and, if appropriate, considered at a future City Council meeting. Members of the public are also welcome to provide comments on agenda items during the portions of the meeting when those items are being discussed. In both cases, a request to speak form must be submitted to the clerk in advance of that portion of the meeting beginning.

### **Public Hearing**

Certain actions by the City Council require a "public hearing," which is a time within the regular meeting that has been set aside and noticed according to different rules.

### **Departmental Reports**

This part of the agenda is for items that are not considered routine and do not require a public hearing. These items are usually presented to the City Council by city staff and can be informational in nature or require action. The staff report about each item indicates the purpose of the item and whether or not action is requested.

### **Other Reports**

At the end of each meeting, City Council members and the city manager, city attorney and city clerk are given an opportunity to share information. This usually includes reports about recent meetings, regional issues, and recent or upcoming meetings and events.

### **City Council Actions**

#### **Resolution**

A resolution is an official statement of City Council policy that directs administrative or legal action or embodies a public City Council statement. A resolution may be introduced and adopted at the same meeting. Once adopted, it remains City Council policy until changed by subsequent City Council resolution.

#### **Ordinance**

Ordinances are city laws contained in the Carlsbad Municipal Code. Enacting a new city law or changing an existing one is a two-step process. First, the ordinance is "introduced" by city staff to the City Council. If the City Council votes in favor of the introduction, the ordinance will be placed on a subsequent City Council meeting agenda for "adoption." If the City Council votes to adopt the ordinance, it will usually go into effect 30 days later.

#### **Motion**

A motion is used to propose City Council direction related to an item on the agenda. Any City Council member may make a motion. A motion must receive a "second" from another City Council member to be eligible for a City Council vote.